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STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001

EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 05/28/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/991,855

Applicant(s)

KII ET AL.

Examiner

King Y. Poon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The change made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 26, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters (US5,893,098).

Regarding claim 26: Peters teaches a method of managing an electronic message and reply choices (fig. 6) to the electronic message, comprising: storing data (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for fixed form replies advance of the input of the electronic the message (the question could be entered after the reply, column 17,

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lines 25-35, column 18, lines 40-45); outputting (the program that controls the transmitting of survey document, column 8, lines 35-45) the electronic message with the stored data for the fixed form replies, selecting, subsequent to inputting the electronic message, certain of the outputted fixed form replies as the reply choices to the message. (The reply for the message is chosen before correcting the message/question, column 17, lines 25-35, column 18, lines 40-45).

Regarding claim 27: Peter teaches a fixed form reply managing means (collation mean, column 8, lines 63) for managing the fixed form replies by data for respectively specifying the plurality of replies, (the survey document and its data, column 8 line 63-68, column 9 line 1-19) and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selection of the fixed form replies as the reply choice to the message, and storing results of the totalization of each of fixed form replies to the message in relation to said specifying data. (graphic plot with added and manipulated data, column 4 line 25-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peter et al. (U.S. Patent # 5893098) and Pinter (U.S. Patent # 5894506)

Regarding claim 1: Peter teaches an electronic news system (fig. 13) managing electronic messages (see the question of options that best describes a vehicle of fig. 6) and a reply, (see fig. 6 and see abstract) to the message comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a fixed form reply, inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45) for inputting the electronic message without information about a reply to the message; output means (the program that controls the transmitting of survey document, column 8, lines 35-45) for outputting the message with the data for the fixed form reply to the message (survey document, e.g., fig. 8), the data for a fixed form reply independent of the message (e.g., fig. 8) retrieved from the storage means and inputted separately from the message (column 14, lines 45-67, column 15, lines 1-30); and control means (2 of fig. 1, abstract) for accepting only a selection out of an outputted data for a reply (see column 8 line 48-55)

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2,

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lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 2: Peter teaches a fixed form reply managing means (collation mean, column 8, lines 63) for managing a plurality of replies by data for respectively specifying the plurality of replies, (the survey document and its data, column 8 line 63-68, column 9 line 1-19) and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and

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Peter would need a totaling means for performing the addition) for totaling a number of the selection of each of fixed form replies as the reply to the message, and storing results of the totalization of each of fixed form replies to the message in relation to said specifying data.

(graphic plot with added and manipulated data, column 4 line 25-27).

Regarding claim 3 and 4: Peter teaches the control means has means for accepting an input of a free form reply by the respondent user in reply to the survey message, (See column 8 line 48-57), and managing the inputted free form reply in relation to data to specify the message. (Managing free form reply data associated with the message (fig. 6) by constructing a data base for it, Column 8, lines 48-57).

Regarding claim 6: Peter teaches wherein the control means includes means for causing the output means to output data for a fixed form reply of the kind which fits contents of the message. (See a respondent for producing a response document with replies which fits contents of the message, and automatically transmit (causing the output means to output data) the reply back to a collation mean, column 8, lines 39-55).

Regarding claim 7: Peter et al teaches an electronic news system (fig. 1 and fig. 13) including a client apparatus (# 7 of fig.1) and a server apparatus (# 1, 2 of fig.1) which manages an electronic message (see the question of options that best describes a vehicle of fig. 6) and a reply to the message transmitted from the client apparatus (see abstract) the client apparatus comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a fixed form reply, inputted in advance of the message

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(the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45); input means (new question menu and the area for question text, column 12, lines 55-61) for inputting the electronic message without information about a reply to the message; output means (the program that controls the transmitting of survey document, column 8, lines 35-45) for outputting the message with the data for the fixed form reply to the message (survey document, e.g., fig. 8) retrieved from the storage means, the data for the fixed form reply independent of the message (e.g., fig. 8); a control mean (see processing apparatus of column 12 line 10) for accepting only a selection out of an outputted data for a reply to the message (see fig. 6, and column 8 line 48-55); and a communication control means (the output means used to output the response document, column 8, line 53) for transmitting the selection to the server apparatus.

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 8: Peter teaches means for accepting an input of a free form reply to the message reply in the control means (see column 8 line 51-52, and fig. 6), and the server apparatus comprises free form reply managing means for managing the free form reply (see 102 and collator of fig. 13) transmitted from the client apparatus in relation to data for specifying the message. (See the reply associated with the message from the client in the server by loading the data base with replies, such that the replies associate with the message are all conveniently presented in the database, column 8 line 54-59, and column 4 line 24-27).

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Regarding claim 9: Peter teaches an electronic news system (fig. 1, fig. 13) having a client (8 of fig. 1) and a server apparatus (1 of fig. 1) which manages electronic messages (response document of column 8 line 53) transmitted from the client, (see abstract, column 8 line 45-59, column 4 line 24-27) the server apparatus comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a fixed form reply, inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45); and a communication control means for transmitting data for a reply to the client apparatus; (See column 2 line 62, fig. 6); the client apparatus comprising: a receiving control means (column 12 line 10, the processor used to control receiving of data) for receiving data for a fixed form reply sent from the server apparatus, (see column 8 line 45-46), the data for a fixed form reply independent of the electronic message (e.g., fig. 8); input means (the entering device for the author used to edit the question, column 14, lines 30-50, column 15, lines 1-30) for inputting the electronic message without information about a reply to the message; output means (the processor, column 12, line 10, used to control outputting of data) for outputting the message with the received data for a reply in a screen (e.g., fig. 6) and; a control means (column 8 line 50) for accepting only the selection (e.g., fig. 6) out of the outputted data for a reply (see column 8 line 48-55) as a reply to the message, and transmission control means (the control used to transmit the response, column 8, line 53) for controlling the transmission for transmitting the selected reply (document) to the server apparatus. (See column 8 line 50-55, 2, fig. 1, abstract)

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Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

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Regarding claim 10: Peter teaches wherein the client apparatus comprises fixed form reply managing means (column 8 line 50) for managing a plurality of fixed form replies by data for respectively specifying the plurality of replies (response) (see column 8 line 50-68, fig. 6), and communication control means, (control program of the processor used to control data transmission, column 8, lines 53) for transmitting specifying data of the selected reply to the server apparatus as a reply, (See column 8 line 50-67), and the server apparatus comprises communication control means (control used to controlling data receiving, column 3, lines 35-40) for receiving the specifying data transmitted from the client apparatus as a reply, (see column 3 line 35-40), and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selection of each reply as the reply to the message based on the specifying data, and storing the results of the totalization of each reply to the message in relation the specifying data. (graphic plot with added and manipulated data, column 4 line 25-27).

Regarding claims 11 and 12: Peter teaches wherein the client apparatus comprises means for accepting an input of a free form reply to the message in a control means (see column 8 line 51-52, and fig. 6); and the server apparatus comprises free form reply managing means for managing free form reply (see 102 and collator of fig. 13, column 8 line 60-68) transmitted from the client apparatus in relation to the data for specifying the message. (column 8 line 54-68, and column 4 line 24-27).

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Regarding claim 13: Peter teaches an electronic news system (fig. 1, fig. 13) including a client (8 of fig. 1) apparatus and a server apparatus (1 of fig. 1) which manages an electronic message and a reply to the message (response document of column 8 line 53) transmitted from the client apparatus, (see abstract, column 8 line 45-59, column 4 line 24-27) the server apparatus comprising: storage mean (fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a first fixed form reply, the messages are independent from the fixed form reply (e.g., fig. 8), and inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45); and a communication control means for transmitting data for a reply to the client apparatus; and a communication control means for transmitting the data for the first fixed form reply to the client apparatus; (See column 2 line 62, fig. 6); the client apparatus comprising: a receiving control means (column 12 line 10, the processor used to control receiving of data) for receiving the first data for the first fixed form reply sent from the server apparatus, (see column 8 line 45-46), storing means (the storage in the client that is used to store the E-mail, column 3, lines 5-30, column 4, lines 25-50) for storing data for second fixed form reply, (two fixed form reply, column 4, lines 25-48), input means (the entering device for the author used to edit the question, column 14, lines 30-50, column 15, lines 1-30) for inputting the electronic message without information about a reply to the message; output means (the processor, column 12, line 10, used to control outputting of data) for outputting the message with the data for the first fixed form reply or the second fixed form reply in a screen (e.g., fig. 6, fig. 8) and; control means (column 8 line 50) for accepting only a selection

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(fig.6) out of the outputted data for the first fixed form reply (see column 8 line 48-55) or the second fixed form reply based on the category (the category of person that like chocolate, column 4, lines 35-50) of the message as the reply to the message, and means for controlling transmission (the control used to transmit the response, column 8, line 53) for transmitting the selected reply (document) out of the data for the first fixed form reply or the second fixed form reply to the server apparatus. (See column 8 line 50-55, 2, fig. 1, abstract).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would

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have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 14: Peter teaches that the server apparatus comprises: fixed form reply managing means (2 of column 12 line 5-6) for managing a plurality of first fixed form replies (fig. 6, and fig. 8) with data for respectively specifying (see the specifying reply data of fig. 6, fig. 8) the replies, and means (column 3 line 5-17) for transmitting the specifying data of the first fixed form reply to the client apparatus along with the reply. The client apparatus comprises: fixed form reply managing means (see respondent control means of column 8 line 49-50) for managing a plurality of second fixed form replies (fig. 8) with the data for respectively specifying said replies, (column 8 line 45-68) and means (2 of column 12 line 5-6, abstract) for causing the transmission controlling means to transmit the selected second reply or the selected specifying data of the first reply to the server apparatus as a reply. (see column 8 line 50-55) The server apparatus further comprises: means (column 3 line 5-17) for transmitting specifying data of the second fixed form reply to the client apparatus; means (collator of fig. 13, abstract) for receiving the second reply or specifying data of the first reply transmitted from the client apparatus as a reply in the communication control means; and totaling means (adding, column 4, lines 25-27, of the reply

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data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selections of each reply as the reply to the message based on the specifying data, and storing the results of the totalization of each reply to the message in relation the specifying data. (graphic plot with added and manipulated data, column 4 line 25-27). The client apparatus further comprises: means for receiving (see processing apparatus of column 12 line 10) the specifying data of the second fixed form reply sent from the server apparatus in the receiving control means, (abstract) and means (see display of 7 of fig. 1, and processing apparatus of column 12 line 10) for outputting the stored second fixed form reply based on the specifying data in the output means.

Regarding claims 15 and 16: Peter teaches wherein the client apparatus comprises means for accepting an input of a free form reply (response) to the message, in a control means (see column 8 line 51-52, and fig. 6), and the server apparatus comprises free form reply managing means for managing the free form reply (see 102 and collator of fig. 13) in relation to data for specifying the reply message (column 8 line 60-68) transmitted from the client, in the server by loading the data base with replies, such that the replies are all conveniently presented in the database. (See column 8 line 54-59, and column 4 line 24-27).

Regarding claims 17-20: Peter teaches a recording medium (column 10 line 11) readable by a computer to control the system of claims 1-4. Please see discussion on claims 1-4.

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Regarding claims 21: Peter et al teaches a message system to process (manage) electronic message and reply (see abstract) comprising: a reply data storage device storing a plurality of fixed form replies set (see bulletin board and column 3 line 1-13); input means (the entering device for the author used to edit the question, column 14, lines 30-50, column 15, lines 1-30) for inputting the electronic message without information about a reply to the message; a controller (the control of the computer used as a bulletin board, e.g., # 1 of fig. 1) for receiving the message from a host (2, fig. 1, abstract) and allowing a user to retrieve a reply from the selected fix form reply set (see column 4, lines 35-40) stored in the reply data storage device, the fixed form reply set independent of the message (e.g., fig. 8) inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45); and an output device (the control controlling transmitting of data, column 8, line 53) outputting the selected reply to the host. (See column 8 line 53, abstract).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the “reply data” and the “message” separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 22: Peter teaches that the selection of a fixed form reply set is based on a category (yes or no to “do you like chocolate”, column 4, lines 30-50) of the message.

Regarding claim 24: Peter teaches wherein the host receives a plurality of the outputted selected fixed form replies and displays a bar graph illustrating a frequency of responses. (See column 4, lines 24-27, fig, 12, column 20, lines 40-67, column 21, lines 1-10)

Regarding claim 25: Peter teaches a computer readable storage medium storing a computer program (column 10 line 1-35) instructing computers to perform: storing a plurality of fixed form replies set (see bulletin board and column 3, line 1-13), each fixed form reply set

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containing a plurality of replies; inputting (new question menu and the area for question text, column 12, lines 55-61) the electronic message without information about a reply to the message; (fig. 6) storing the message, (see bulletin board and column 3 line 1-13, yes of the question "do you like chocolate", column 4, lines 30-45) the message being inputted after the fixed form reply set (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45); receiving the message (column 4, lines 30-50) from a host; (2, fig. 1, abstract) selecting a reply from the selected fix form reply set (yes, or no, column 4, lines 25-50) independent of the message (e.g. fig. 8); allowing a user to choose a reply from the selected fixed form reply set; (column 4, lines 25-50); sending the chosen reply to the host (column 8, lines 53).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

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It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

5. Claims 5, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters and Pinter as applied to claims 1, and 21 above and further in view of Ginter et al. (U.S. Patent # 5982891).

Regarding claims 5, 23: Peter teaches to select a text and still picture as free form reply. (Fig. 6)

Peter in view of Pinter do not teach to select speech, sound, and moving pictures as free form reply.

Ginter et al. teach that usage information used in a survey (see column 36 line 30-40) transmitted from one party to another can be selected from speech, sound, and moving pictures. (See column 58, line 55-65).

Art Unit: 2624

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Peter in view of Pinter: by selecting the free form reply to be represented in forms of speech, sound, and moving pictures.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Peter in view of Pinter by the teaching of Ginter et al. because of the following reasons: (a) selecting electronic information to be represented in forms of speech, sound, and moving pictures would have allowed the information being easily understood by a user and would be helpful for the user in making the reply.

Response to Arguments

6. Applicant's arguments filed 3/24/2003 have been fully considered but they are not persuasive.

With respect to applicant's argument that Peter does not teach store questions and answers separately and Pinter does not suggest the data for a reply independent of the message has been considered.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Peter teaches an electronic news system (fig. 13) managing electronic messages (see the question of options that best describes a vehicle of fig. 6) and a reply, (see fig. 6 and see abstract) to the message comprising: output means (the program that controls the transmitting of survey document, column 8, lines 35-45) for outputting the message with the data for a reply to the message (survey document e.g. fig. 8), the data for a reply independent of the message; (e.g., fig. 8).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would

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have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

With respect to applicant's argument that Peter does not teach a fixed form reply inputted in advance with the message.

In reply: Peter teaches, fig. 6, a fixed form reply (number of cylinders for different cars, fig. 6) and a message (which of the following options best describes your vehicle?, fig. 6). Peter, column 17, lines 25-35, teaches the title of the question/message can be added after the survey is completed. Column 18, lines 40-45 further teaches to correct error after the survey is completed.

In other words, the question/message of fig. 6 can be changed to a new question/message after the fixed form reply is created.

Action is Final, Necessitated by Amendment

7. Applicant's amendment necessitated the new ground of rejection presented in this office action. Therefore, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor Mr. David Moore whose phone number is (703) 308-7452.

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', with a stylized, cursive script.

**GABRIEL GARCIA
PRIMARY EXAMINER**

May 20, 2003